

AO 91 (Rev. 11/11) Criminal Complaint

U.S. DISTRICT COURT, N.D. OF N.Y.
FILED
 7-22-19
 for the
 Northern District of New York
 John M. Domurad, Clerk - Syracuse

UNITED STATES DISTRICT COURT

UNITED STATES OF AMERICA

v.

MARK KING**Defendant**

Case No. 1:19-MJ-

457 (TWD)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the dates of July 2018 through present in the county of Schenectady in the Northern District of New York the defendant violated:

Code Section
 18 U.S.C. §2250(a)

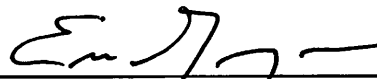
Offense Description
 Failure to Register as a Sex Offender

This criminal complaint is based on these facts:
 See Attached Affidavit in Support of Criminal Complaint.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date:

July 22, 2019City and State: Syracuse, New York*Complainant's signature*

Eric Gregoire, Deputy U.S. Marshal

Printed name and title*Judge's signature*

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT
AND ARREST WARRANT

I, Eric Gregoire, having been sworn duly hereby depose and state:

Introduction

1. I am a Deputy United States Marshal with the United States Marshals Service, and I have been so employed for over eight years. Prior to joining the United States Marshals Service I was a Special Agent with the United States Secret Service for over eight years. I am currently assigned to the Syracuse, New York Division, and conduct various criminal investigations including violations of the Adam Walsh Child Protection Act of 2006.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant charging MARK KING with a violation of Title 18, United States Code, Section 2250(a): failure to register and update a sex offender registration as required by the Sex Offender Registration and Notification Act.

3. The statements contained in this affidavit are based on my participation in the investigation of this matter, and on information I have received from the New York State Division of Criminal Justice Services, and other law enforcement officers with direct knowledge of this investigation. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me about this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that MARK KING ("KING") has committed a violation of Title 18, United States Code, Section 2250(a).

4. On April 11, 2019 the United States Marshals Service, Syracuse Division, initiated an investigation of Mark KING pertaining to a violation of 18 U.S.C. § 2250(a): Failure to Register. 18 U.S.C. § 2250(a) provides, in pertinent part:

Whoever

(1) is required to register under the Sex Offender Registration and Notification Act;

(2) ...

(B) travels in interstate or foreign commerce,...; and

(3) knowingly fails to register or update a registration as required by the Sex Offender Registration and Notification Act;

shall be fined under this title or imprisoned not more than 10 years, or both.

5. The Sex Offender Registration and Notification Act's Registry requirements for sex offenders appear in 42 U.S.C. § 16913. 42 U.S.C. § 16913(a) provides:

A sex offender shall register, and keep the registration current, in each jurisdiction where the offender resides, where the offender is an employee, and where the offender is a student. For initial registration purposes only, a sex offender shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

42 U.S.C. § 16913(c) states:

A sex offender shall, not later than 3 business days after each change of name, residence, employment, or student status, appear in person in at least 1 jurisdiction involved pursuant to subsection (a) of this section and inform that jurisdiction of all changes in the information required for that offender in the sex offender registry. That jurisdiction shall immediately provide that information to all other jurisdictions in which the offender is required to register.

Background of Investigation

6. On February 28, 2017, KING was arrested by the U.S. Army Criminal Investigative Division in Fort Wainwright, Alaska and charged with Attempted Sexual Assault of a Minor, in violation of the Uniform Code of Military Justice – Article 120b. A person is guilty of violating Uniform Code of Military Justice – Article 120b when such person subject to this chapter who, under circumstances not amounting to rape, commits an act of sexual intercourse

with a female not his wife who has not attained the age of sixteen years, is guilty of carnal knowledge and shall be punished as a court-martial may direct. KING was accused of soliciting sex with a fourteen (14) year old female, who was actually an undercover agent.

7. On January 24, 2018, KING was convicted of violating UCMJ 120b, Attempted Sexual Abuse of a Minor and sentenced to a term of six (6) months in military confinement, and was given a dishonorable discharge from the U.S. Army.

8. As a result of his 2018 conviction, KING was designated a Sex Offender by the U.S. Army and was required to register as a sex offender pursuant to 42 U.S.C. § 16911, and to keep his registration current.

9. On June 29, 2018, prior to his release from military confinement, KING signed and dated a DD FORM 2791 "NOTICE OF RELEASE/ACKNOWLEDGEMENT OF CONVICTED SEX OFFENDER REGISTRATION REQUIREMENTS" which included the advisement that he must register as a sex offender, and his acknowledgement that he fully understood this requirement. The documents, in pertinent part, provide the following information:

a. KING's acknowledgment of each separate duty and obligation to include, in pertinent part, the following obligations:

1. "I KING, MARK RICHARD, SPC, ARMY, 231-97-5605, was convicted and sentenced for the commission of a sexual offense(s) that did include a sentence to confinement, and require(s) me to register as a sex offender."

2. "I hereby acknowledge that I was informed that upon my release from confinement or military service, I am subject to registration requirements as a sex offender in any State or U.S. territory in which I will reside, be employed, carry on a vocation, or be a student."

3. "I acknowledge I have been informed that if I move to another state, I must report the change of address to the responsible agency in the state I

am leaving, and comply with the registration requirements in the new state of residence.”

4. “I acknowledge I have been advised and understand that if I do not register and/or change or update such information as required by a relevant state, tribal or territorial sex offender registration program, my failure to comply with these requirements could result in such penalties as revocation of parole/MSR or prosecution under Federal law (18 U.S.C. 2250), punishable by up to 10 years imprisonment.”

10. On July 17, 2018 KING was released from military confinement. KING listed on the DD FORM 2791 that he was moving to 3789 State Highway 7, Otego, New York.

11. On August 27, 2018 KING enrolled as a student at the State University of New York (SUNY) Cobleskill in Cobleskill, New York. Upon enrollment KING listed his permanent address as 256 Southside Drive, Oneonta, New York. According to SUNY Cobleskill records, while KING was enrolled as a student during the Fall term of 2018 he resided at 206 Dixon Hall, Cobleskill, New York. KING resided at 206 Dixon Hall from August 24, 2018 until January 17, 2019.

12. On December 13, 2018, KING was arrested by the Colonie (NY) Police Department and accused of committing a Grand Larceny offense. At the time of arrest, KING provided an address of 256 Southside Drive, Oneonta, New York.

13. On April 10, 2019, KING renewed his New York State Divers License (OLN 236054567). According to the New York State Department of Motor Vehicles, KING’s current address is 1644 Foster Ave, Schenectady, New York.

14. On May 16, 2019, your affiant spoke with Corinna GORDON from the New York State Sex Offender Registry (NYSOR) – Interstate Unit. GORDON stated her office was notified by the Army in 2018 that KING was a convicted sex offender who intended to move to New York State after being released from military confinement in Alaska. Based on this information

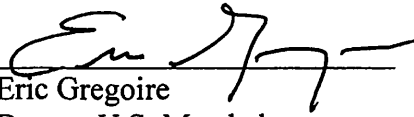
NYSOR mailed correspondence to KING at 3789 State Highway 7, Otego, New York on 7/18/2018, and again on 10/15/2018, to remind him that he was required to register as a sex offender in New York State. According to GORDON, both mailings went unanswered, and KING did not register in New York. NYSOR again attempted to contact KING by mailing correspondence to KING at 256 Southside Drive, Oneonta, New York on 03/25/2019, and on 04/19/2019, to remind him that he was required to register as a sex offender in New York State. According to GORDON, both mailings went unanswered, and KING did not register in New York.

15. On May 20, 2019, a due diligence search was performed by your affiant with the New York State Division of Criminal Justice Services (NYDCJS) and determined KING was not registered as a sex offender in New York State. Your affiant has continued to conduct a search of NYDCJS records regularly since May 20, 2019, including today, and has determined that KING has not registered as a sex offender in New York State.

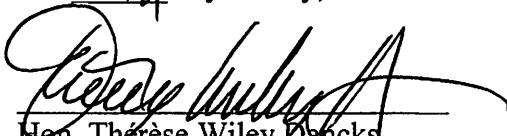
16. At no time after traveling from Alaska to New York in 2018 did KING register as a sex offender with New York as required by law.

Conclusion

19. Based on the foregoing facts there is probable cause to believe that MARK KING is a person required to register under the Sex Offender Registration and Notification Act, that he is a sex offender as defined for the purposes of the Sex Offender Registration and Notification Act, that he has traveled in interstate commerce, and that he has knowingly failed to register or update his sex offender registration as required by the Sex Offender Registration and Notification Act, in violation of 18 U.S.C. §2250(a).


Eric Gregoire
Deputy U.S. Marshal

Subscribed and sworn to before me
this 22nd day of July, 2019


Hon. Therese Wiley Dancks
United States Magistrate Judge